

REMARKS

The Examiner has required restriction of the following inventions:

Group I Claims 1-16, drawn to a method of forming a heat exchanger; and

Group II Claims 17 and 18 drawn to a heat exchanger.

In order to comply with the Examiner's requirement, Applicants provisionally elect claims 1-16 for prosecution in the present application. Applicants reserve the right to file one or more divisional applications directed to the remaining non-elected claims at a later date, if so desired. The Examiner's restriction requirement is respectfully traversed for at least the reasons set forth below.

Applicants respectfully direct the Examiner's attention to M.P.E.P. §803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

Further, there are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicants respectfully submit that the Examiner would not be unduly burdened if forced to examine existing claims 1-18 because each of these claims is classified in a similar, though not identical, class and subclass.

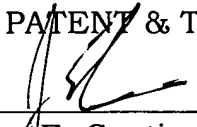
Accordingly, Applicants respectfully request examination of claims 1-18.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact John E. Curtin at 703-266-3330 to discuss this application. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

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By 
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